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November 18, 2009

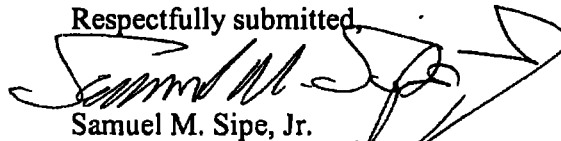
The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

**Re: Docket No. 42088 (Sub-No. 1), Western Fuels Association, Inc. and
Basin Electric Cooperative v. BNSF Railway Company**

Dear Secretary Quinlan:

Pursuant to 49 C.F.R. § 1119.1, BNSF Railway Company is submitting the attached Verified Notice of Compliance with the Board's Order served October 22, 2009 in the above-referenced case.

Respectfully submitted,



Samuel M. Sipe, Jr.
Counsel for BNSF Railway Company

cc: Counsel for WFA/Basin

STB Docket No. 42088 (Sub-No.1)

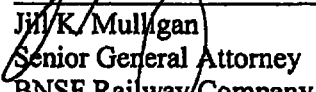
**WESTERN FUELS ASSOCIATION, INC., and
BASIN ELECTRIC POWER COOPERATIVE, INC.**

v.

BNSF RAILWAY COMPANY

VERIFIED NOTICE OF COMPLIANCE

I, Jill K. Mulligan, verify under penalty of perjury that BNSF Railway Company has complied with the Board's order in this proceeding served October 22, 2009, by paying reparations to Complainants in the amount specified in the October 22, 2009 order plus interest accruing until the date of payment, November 18, 2009. Simultaneously with the filing of this Verified Notice of Compliance with the Board, a copy of this Verified Notice will be served on counsel for Complainants. I further certify that I am qualified and authorized to file this Verified Notice of Compliance.



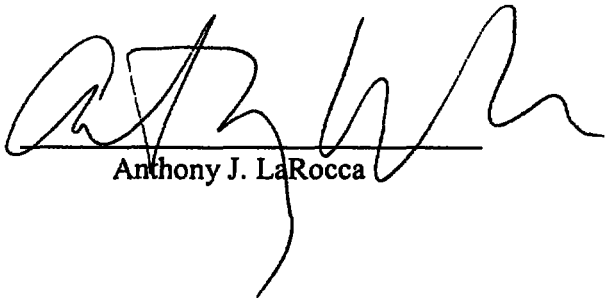
Jill K. Mulligan
Senior General Attorney
BNSF Railway Company
2500 Lou Monk Drive
Forth Worth, TX 76131
(817) 352-2353

Dated: November 18, 2009

CERTIFICATE OF SERVICE

I, Anthony J. LaRocca, hereby certify that on November 18, 2009, I caused a true and correct copy of the foregoing Verified Notice of Compliance to be served by hand on the following:

John H. LeSeur
Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036



Anthony J. LaRocca